

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DUSTIN WINKLER and JODI )  
WINKLER, as next friends of M.W., a )  
minor, )  
 )  
Plaintiffs, )  
 )  
-vs- )  
 )  
SAEXPLORATION SEISMIC )  
SERVICES, LLC and FRANCISCO )  
JAVIER GARCIA, )  
 )  
Defendants. )

Case No. CIV-21-0730-F

**ORDER**

Defendants have filed a notice of a constitutional question. Doc. no. 8. The notice states that defendants are challenging the constitutionality of 23 O.S. § 9.1. According to their answers (doc. nos. 6, 7), defendants allege that Oklahoma's punitive damages statute is unconstitutional under various provisions in the United States Constitution and the Oklahoma Constitution.


The State of Oklahoma is not a party to this action. The subject matter of the constitutional issue affects the public interest. Title 28 U.S.C. § 2403 and Rule 5.1, Fed. R. Civ. P., require the court to certify the above facts to the Attorney General of the State of Oklahoma, and the court hereby does so. *See, State of Oklahoma v. Pope*, 516 F.3d 1214 (10th Cir. 2008) (remanding where notice not given to United States Attorney General).

Accordingly, if he wishes to do so, the Oklahoma State Attorney General is granted leave to intervene in this action for purposes of presenting evidence and

argument on the constitutional challenge raised by the defendants. The State Attorney General may intervene within sixty days of the date of this order.

The clerk is **DIRECTED** to provide the State Attorney General with a copy of this order, a copy of defendants' notice of constitutional question (doc. no. 8), a copy of defendants' answers (doc. nos. 6, 7), and a copy of the court's docket sheet in this action as it now stands. The clerk shall file the transmission email.

IT IS SO ORDERED this 30<sup>th</sup> day of July, 2021.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

21-0730p002.docx